REMARKS/ARGUMENTS

THE INVENTION

Claims 1-27 are pending in the instant application.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Methley et al. (U.S. Pat. No. 6,725,817). In response, Applicant respectfully contends that Methley et al. does not anticipate the claimed invention.

The Office Action states that, with regard to claim 1, Methley discloses an elongated shaft (See FIG. 1 (12)); a first (See FIG. 1(16)) cam lobe carried by the shaft; and a second (see FIG. 1 (18)) cam lobe carried by the shaft; where in the first and second cam lobes are selectively rotatable (see col. 5, lns. 21-24) relative to one another and selectively locked (see col. 4, lns. 32-68, col. 5, lns. 1-20) in place relative to one another, whereby a displacement angle between the cam lobes can be selectively adjusted.

However, the Office Action fails to state with particularity how the listed figures and components of Methley allegedly discloses the structure as recited in claim 1. Claim 1 provides an adjustable cam shaft, comprising: an elongated shaft; a first cam lobe carried by the shaft; and a second cam lobe carried by the shaft; wherein the first and second cam lobes are selectively rotatable relative to one another and selectively locked in place relative to one another, whereby a displacement angle between the cam lobes can be selectively adjusted.

The Office Action states that the first and second cam lobes are selectively rotatable relative to one another (see col. 5, lns. 21-24). However, the clear language of Methley states that the two cam sets can MOVE relative to one another as they BOTH ROTATE about the same axis. This is quite different than the first and second cam lobes being selectively rotatable relative to one another. Thus, there is nothing in Methley to indicate that the two cam sets are selectively rotatable relative to one another. The Office Action states that the two cam sets are selectively locked in place relative to one another (see col. 4, lns. 32-68, col. 5, lns. 1-20). However, this is contradicted by the very same section of Methley that the Office Action uses to state that the two cam sets rotate relative to one

another (see col. 5, lns. 21-24). In fact, col. 4, lns. 32-68, col. 5, lns. 1-20 of Methley has nothing to do with the cam sets being selectively locked in place relative to one another as col. 4, lns. 32-68, col. 5, lns. 1-20 of Methley talks about the driven members 138, 142 and NOT the cam sets 16, 18.

The Office Action fails to provide any line, column, figure or reference number of Methley which allegedly discloses that a displacement angle between the cam lobes can be selectively adjusted. The Office Action fails to states how the reference teaches this element of the claim. Methley fails to disclose that the first and second cam lobes are selectively rotatable relative to one another and selectively locked in place relative to one another, whereby a displacement angle between the cam lobes can be selectively adjusted.

With respect to claim 2, the Office Action states that Methley discloses a drive timing gear (see FIG. 1 (32)) assembly carried by the shaft and associated (see col. 2, lns. 61-67, col. 3, lns. 1-9) with the first and second cam lobes. Claim 2 provides that the adjustable cam shaft of claim 1 includes a drive/ timing gear assembly carried by the shaft and associated with the first and second cam lobes. The Office Action erroneously suggests that reference number 32 of FIG. 1 of Methley refers to a drive/timing gear assembly. However, reference number 32 actually refers to a drive member which does not even appear to be carried by the outer sleeve or tube 12. The Office Action fails to provide any explanation as to how this 'drive member' serves as a drive/timing gear assembly carried by the shaft and associated with the first and second cam lobes.

Regarding claim 3, the Office Action states that Methley discloses the drive/timing gear assembly includes a gear and a hub fastened to one another (see FIG. 1 (32), (86)). The Office Action fails to state with particularity how the list figures and components of Methley allegedly discloses the drive/timing gear assembly includes a gear and a hub fastened to one another. Methley does not disclose such structure. Reference number 86 of Methley refers to a hydraulic line. The Office Action fails to provide any explanation as to how this 'hydraulic line'

discloses a drive/timing gear assembly including a gear and a hub fastened to one another.

Regarding claim 4, the Office Action states that Methley discloses either the first or second cam lobe comprises an intake cam lobe (see FIG. 1 (16)) associated with an intake valve of an engine, and the other cam lobe comprises an exhaust (see FIG. 1 (18)) lobe associated with an exhaust valve of an engine. Claim 4 provides that either the first or second cam lobe comprises an intake cam lobe associated with an intake valve of an engine, and the other cam lobe comprises an exhaust lobe associated with an exhaust valve of an engine. The Office Action admitted that Methley fails to disclose intake and exhaust lobes associated with intake and exhaust valves. The Office Action fails to state with particularity how the figures and components of Methley allegedly discloses either the first or second cam lobe comprises an intake cam lobe associated with an intake valve of an engine, and the other cam lobe comprises an exhaust lobe associated with an exhaust valve of an engine. Methley does not disclose such structure. The Office Action fails to provide any explanation as to where Methley discloses that either the first or second cam lobe comprises an intake cam lobe associated with an intake valve of an engine, and the other cam lobe comprises an exhaust lobe associated with an exhaust valve of an engine.

With respect to claim 5, the Office Action states that Methley discloses indicia associated with each of the first and second cam lobes for determining the displacement angle of the cam lobes (see FIG. 2). Claim 5 depends from claim 1 and provides that the cam shaft of claim 1 includes indicia associated with each of the first and second cam lobes for determining the displacement angle of the cam lobes. The Office Action fails to state with particularity how FIG. 2 allegedly discloses indicia associated with each of the first and second cam lobes for determining the displacement angle of the cam lobes. The Office Action fails to particularly point out and distinctly provide any explanation as to how and where FIG. 2 of Methley discloses indicia associated with each of the first and second cam lobes for determining the displacement angle of the cam lobes.

Regarding claims 6 and 7, the Office Action states that Methley discloses means (see FIG. 1 (20)) for locking the first and second cam lobes to the shaft and that the locking means comprises a locking nut (see FIG. 1 (20) threadedly received onto the shaft. Claim 6 depends from claim 1 and provides that the adjustable cam shaft of claim 1 includes means for locking the first and second cam lobes to the shaft. Claim 7 depends from claim 6) and provides that the locking means comprises a locking nut threadedly received onto the shaft. The Office Action fails to state with particularity how FIG. 1 and reference number 20 of Methley allegedly discloses means for locking the first and second cam lobes to the shaft and that the locking means comprises a locking nut threadedly received onto the shaft. The Office Action fails to particularly point out and distinctly provide any explanation as to how and where FIG. 1 and reference number 20 of Methley discloses these feature. While reference number 20 appears in FIG. 1 of Methley, there is apparently no mention of reference number 20 in the written description of Methley. In view of this, it is clear that the Office Action is guessing as to what function is served by reference number 20 and there is no clear proof presented by the Office Action that FIG. 1 and reference number 20 of Methley even remotely suggest means for locking the first and second cam lobes to the shaft and that the locking means comprises a locking nut threadedly received onto the shaft.

With regard to claim 8, the Office Action states that Methley discloses the shaft includes an externally threaded portion (see FIG. 1 (72)) for receiving the locking nut, and a shoulder (see FIG. 1 (90)) on an opposite end thereof, whereby as the locking nut is tightened onto the shaft, the shoulder compresses the first and second cam lobes against a drive/gear (see FIG. 1 (32), (35)) assembly so as to lock the first and second cam lobes relative to one another. Claim 8 depends from claim 7 and provides that the shaft includes an externally threaded portion for receiving the locking nut, and a shoulder on an opposite end thereof, whereby as the locking nut is tightened onto the shaft, the shoulder compresses the first and second cam lobes against a drive/gear assembly so as to lock the first and second cam lobes relative to one another. The Office Action fails to state with particularity how the list figures and

components of Methley allegedly discloses that the shaft includes an externally threaded portion for receiving the locking nut, and a shoulder on an opposite end thereof, whereby as the locking nut is tightened onto the shaft, the shoulder compresses the first and second cam lobes against a drive/gear assembly so as to lock the first and second cam lobes relative to one another. Methley does not disclose such structure. Reference numbers 72 and 90 of Methley refer to, respectively, a spigot and a port. The Office Action fails to provide any explanation as to how this 'spigot' and this 'port' discloses that the shaft includes an externally threaded portion for receiving the locking nut, and a shoulder on an opposite end thereof, whereby as the locking nut is tightened onto the shaft, the shoulder compresses the first and second cam lobes against a drive/gear assembly so as to lock the first and second cam lobes relative to one another.

With regard to claim 9, the Office Action states that Methley discloses a pin (see FIG. 1 (20)) insertable through a drive/gear assembly and into either the first or second cam lobe for setting the position of the first or second cam lobe relative to the drive/gear (see col. 2, lns. 57-60) assembly. Claim 9 depends from claim 8 and provides that the adjustable cam shaft of claim 8 includes a pin insertable through a drive/gear assembly and into either the first or second cam lobe for setting the position of the first or second cam lobe relative to the drive/gear assembly. The Office Action fails to state with particularity how FIG. 1 and reference number 20 of Methley allegedly disclose a pin insertable through a drive/gear assembly and into either the first or second cam lobe for setting the position of the first or second cam lobe relative to the drive/gear assembly. The Office Action fails to particularly point out and distinctly provide any explanation as to how and where FIG. 1 and reference number 20 of Methley disclose these feature. While reference number 20 appears in FIG. 1 of Methley, there is apparently no mention of reference number 20 in the written description of Methley. In view of this, it is clear that the Office Action is guessing as to what function is served by reference number 20 and there is no clear proof presented by the Office Action that FIG. 1 and reference number 20 of Methley even remotely suggest a pin insertable through a drive/gear assembly and into either the first or second cam lobe for setting

the position of the first or second cam lobe relative to the drive/gear assembly.

Regarding claim 10, the Office Action states that Methley discloses an inner shaft (see FIG. 1 (14)) extending through the elongated shaft for attachment to an engine block. Claim 10 depends from claim 6 and provides that the adjustable cam shaft of claim 6 includes an inner shaft extending through the elongated shaft for attachment to an engine block. The Office Action fails to state with particularity how FIG. 1 and reference number 14 of Methley allegedly disclose an inner shaft extending through the elongated shaft for attachment to an engine block. The Office Action fails to particularly point out and distinctly provide any explanation as to how and where FIG. 1 and reference number 14 of Methley disclose these features.

With respect to claim 11, the Office Action states that Methley discloses that the elongated shaft (see FIG. 1 (12)) comprises first and second shaft (see FIG. 1 (14) sections, the first cam lobe (see FIG. 1 (16)) extending from the first shaft section, and the second cam lobe (see FIG. 1 (18)) extending from the second shaft section, and wherein the shaft sections are rotatably associated with one another and selectively locked (see FIG. 8, col. 4, lns. 32-68, col. 5, lns. 1-20) in place relative to one another. Claim 11 depends from claim 1 and provides that the elongated shaft comprises first and second shaft sections, the first cam lobe extending from the first shaft section, and the second cam lobe extending from the second shaft section, and wherein the shaft sections are rotatably associated with one another and selectively locked in place relative to one another. The Office Action fails to state with particularity how FIG. 1 and reference numbers 12, 14, 16 and 18 of Methley allegedly disclose that the elongated shaft comprises first and second shaft sections, the first cam lobe extending from the first shaft section, and the second cam lobe extending from the second shaft section, and wherein the shaft sections are rotatably associated with one another and selectively locked in place relative to one another. The Office Action fails to particularly point out and distinctly provide any explanation as to how and where FIG. 1 and reference numbers 12, 14, 16, 18 of Methley disclose these features and the Office

Action fails to acknowledge that the functionality the Office Action attributes to reference numbers 12 and 14 with respect to the instant claim is in conflict with the functionality attributed above to those same references numbers with respect to other claims by the Office Action (see above).

Regarding claim 12, the Office Action states that Methley discloses the first shaft (see FIG. 1 (12) section includes a shaft extending therefrom, and the second shaft (see FIG. 1 (14)) section includes a hollow sleeve extending therefrom and configured to accept the shaft therein. Claim 12 depends from claim 11 and provides that the first shaft section includes a shaft extending therefrom, and the second shaft section includes a hollow sleeve extending therefrom and configured to accept the shaft therein. The Office Action fails to state with particularity how FIG. 1 and reference numbers 12 and 14 of Methley allegedly disclose that the first shaft section includes a shaft extending therefrom, and the second shaft section includes a hollow sleeve extending therefrom and configured to accept the shaft therein. The Office Action fails to particularly point out and distinctly provide any explanation as to how and where FIG. 1 and reference numbers 12 and 14 of Methley disclose these features and the Office Action fails to acknowledge that the functionality the Office Action attributes to reference numbers 12 and 14 with respect to the instant claim is in conflict with the functionality attributed above to those same references numbers with respect to other claims by the Office Action (see above).

With regard to claim 13, the Office Action states that Methley discloses means for locking (FIG. 8, col. 4, lns. 32-68, col. 5, lns. 1-20) the first and second shaft sections relative to one another. Claim 13 depends from claim 11 and provides that the cam shaft of claim 11 includes means for locking the first and second shaft sections relative to one another. The Office Action fails to state with particularity how FIG. 8 and col. 4, lns. 32-68, col. 5, lns. 1-20 of Methley allegedly disclose that the cam shaft of claim 11 includes means for locking the first and second shaft sections relative to one another. The Office Action fails to particularly point out and distinctly provide any explanation as to how FIG. 8 and col. 4, lns. 32-68, col. 5, lns. 1-20 of Methley disclose these features. This is probably due to the fact

that the figure and sections of Methley cited by the Office Action do not even mention first and second shaft sections.

Regarding claim 14, the Office Action states that Methley discloses the locking means comprises a fastener (see FIG. 1 (20)) attachable to the first and second shaft sections. Claim 14 depends from claim 13 and provides that the locking means comprises a fastener attachable to the first and second shaft sections. The Office Action fails to state with particularity how FIG. 1 and reference number 20 of Methley allegedly disclose a fastener attachable to the first and second shaft sections. The Office Action fails to particularly point out and distinctly provide any explanation as to how and where FIG. 1 and reference number 20 of Methley disclose these feature. While reference number 20 appears in FIG. 1 of Methley, there is apparently no mention of reference number 20 in the written description of Methley. In view of this, it is clear that the Office Action is guessing as to what function is served by reference number 20 and there is no clear proof presented by the Office Action that FIG. 1 and reference number 20 of Methley even remotely suggest a fastener attachable to the first and second shaft sections.

With respect to claim 15, the Office Action states that Methley discloses the first (see FIG. 3 (12)) and second shaft (see FIG. 1 (14)) sections include hollow, internally threaded (see FIG. 1 (72) portions that receive the fastener. Claim 15 depends from claim 14 and provides that the first and second shaft sections include hollow, internally threaded portions that receive the fastener. The Office Action fails to state with particularity how FIGS. 1 and 3, and reference numbers 12, 14 and 72 of Methley allegedly disclose that the first and second shaft sections include hollow, internally threaded portions that receive the fastener. Methley does not disclose such structure. In fact, reference number 72 of Methley refers to a spigot. The Office Action fails to provide any explanation as to how this 'spigot' discloses that the first and second shaft sections include hollow, internally threaded portions that receive the fastener.

Therefore, in view of the foregoing, it is clear that Methley fails to anticipate the subject matter of claims 1-15 and that the rejections of those claims should be withdrawn.

Claims 16-20 are rejected under 35 USC Section 103(a) as being unpatentable over Methley et al. (U.S. Pat. No. 6,725,817) in view of Rado et al. (U.S. Pat. No. 6,539,906). In response, the Applicant respectfully contends that Methley et al. in view of Rado et al. do not render the claimed invention obvious.

The Office Action states that Methley discloses a first (see FIG. 1 (12)) shaft section having a cam lobe (see FIG. 1 (16)) extending therefrom; a second shaft (see FIG. 1 (14)) section having a cam lobe (see FIG. 1 (18)) extending therefrom; and means for locking (see FIG. 8, col. 4, lns. 32-68, col. 5, lns. 1-20) the first and second shaft sections relative to one another; and wherein the first and second shafts are selectively (see col. 2, lns. 61-67, col. 3, lns. 1-39) rotatable relative to one another and selectively locked in place relative to one another, whereby a displacement angle between the cam lobes can be selectively (see col. 5, lns. 21-24) adjusted; a drive/timing gear assembly comprising a gear (see FIG. 1 (32)) and a hub (see FIG. 1 (32), (86)) attached to either the first or second (see FIG. 1 (12), (14)) shaft section; indicia (see FIG. 2) associated with each of the first and second shaft sections for determining the displacement angle of the cam lobes (see FIG. 1 (16), (18)); the first shaft (see Fig. 1 (14)) section includes a shaft extending therefrom, and the second shaft (see FIG. 1 912)) section includes a hollow sleeve extending therefrom and configured to accept the shaft therein; the first (see FIG. 1 (14)) and second shaft (see FIG. 1 (12)) sections include hollow, internally threaded portions, and wherein the locking means comprises a fastener (see FIG. 1 (20)) received within the first and second shaft sections.

The Office Action admits that Methley fails to disclose the intake and exhaust lobes associated with intake and exhaust valves.

The Office Action states that Rado et al. teaches that it is conventional in the art to utilize either the first or second cam lobe comprises an intake cam lobe (see FIG. 3 (40)) associated with an intake valve of an engine, and the other cam lobe comprises an exhaust lobe (see FIG. 3 (38)) associated with an exhaust valve (see FIG. 1 (30)) of an engine.

The Office Action makes the unsupported conclusory statement that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the intake and exhaust lobes and valves taught by Rado et al., in the Methley et al., device since it would allegedly improve timing control.

In response, Applicant respectfully submits that Methley et al. fails to disclose the subject matter of claims 1-15 for the reasons outlined above, and therefore claims 16-20 are also allowable.

Without waiver, the Office Action attempts to make up for the deficiencies of Methley by combining Methley with Rado. However, Methley is not properly combinable with Rado as the two references are directed to solving different problems in different ways. Methley is in the field of a variable phase drive mechanism for providing drive from an engine crankshaft to two sets of cams and Rado is in the field of a compression release and vacuum release mechanism for four-stroke cycle engines. Tthere is no suggestion or motivation for combining Methley with Rado. The alleged motivation provided by the Office Action fails to explain why one of ordinary skill in the art would have looked to Rado to modify Methley by pointing to some motivation or suggestion in either one of the references. The Office Action fails to explain why modifying Methley in view of Rado would not result in Methley being rendered unsuitable for its intended purpose. First, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the Methley reference or to combine the teachings of Methley and Rado. Second, the Office Action fails to provide any reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations and, as outlined above, they clearly do not. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and <u>not</u> based on Applicant's disclosure.

The Office Action may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner,* 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967),

cert. denied, 389 U.S. 1057 (1968). However, it appears that is exactly what has been done by the Office Action in the instant application.

In addition to demonstrating the propriety of an obviousness analysis, particular factual findings regarding the suggestion, teaching, or motivation to combine serve a number of important purposes, including: (1) clear explication of the position adopted by the Examiner; (2) identification of the factual disputes, if any, between the applicant and the Examiner; and (3) facilitation of review on appeal. See, e.g., *In re Dembiczak*, 175 F.3d 994, 998, 50 USPQ2d 1614, 1616 (Fed. Cir. 1999). Here, however, the Office Action did not make particular findings regarding the locus of the suggestion, teaching, or motivation to modify the prior art references. Instead, the Office Action made a conclusory statement about modifying Methley (i.e., to utilize the intake and exhaust lobes and valves taught by Rado since doing so would allegedly improve timing control) while failing to provide any suggestion, teaching, or motivation to modify the references.

In the rare case where the prior art does not appreciate the existence of the problem solved by the invention, the applicant's recognition of the problem is, in itself, strong evidence of the non-obviousness of the invention. *In re Nomiya et al.*, 184 USPQ 607, 612-613 (CCPA 1975).

Thus, the Office Action has failed to establish the first basic criteria of a *prima facie* case of obviousness: that there must be some suggestion or motivation in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. §2143.01 citing *In re Mills*, 16 USPQ 2d 1430 (Fed. Cir. 1990).

While Methley and Rado appear on the surface to both involve crankshafts, that alone is insufficient to apply to the references. Of course, it is axiomatic that a claimed invention is not obvious solely because it is composed of elements that are individually found in the prior art. *Life Technologies, Inc. v. Clontech Laboratories, Inc.*, 56 USPQ 2d 1186 (Fed. Cir. 2000).

Thus, it appears as if the Office Action has inappropriately used Applicant's claims as a framework from which to pick and choose from Methley and Rado to recreate the claimed invention. Of course, it is well-known that such hindsight is impermissible and strictly forbidden. It is also well-known that it is impermissible within the framework of 35 U.S.C. §103 to pick and choose from a reference only so much of it that will support a conclusion of obviousness to the exclusion of other parts necessary to a full appreciation of what the reference fairly suggests to one skilled in the art. *Bausch & Lomb v. Barnes Hind/Hydrocurve, Inc.*, 230 USPQ 416 (Fed. Cir. 1986). Applicant believes that impermissible hindsight was used in reconstructing the claimed invention using elements of Methley and Rado that should have not been modified in an attempt to reject the claims of the present application. The Office Action may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner,* 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968).

Therefore, Applicants contend that the modification of Methley in view of Rado is improper and respectfully requests reconsideration and withdrawal of the rejection to claims 16-20 under 35 U.S.C. § 103(a).

Claims 21-27 are rejected under 35 USC Section 103(a) as being unpatentable over Methley et al. (U.S. Pat. No. 6,725,817) in view of Rado et al., (Pat No. 6,539,906). The Office Action states that Methley discloses a first cam lobe (see FIG. 1 916)) carried by the shaft; a second (see FIG. 1 (18)) cam lobe carried by the shaft, and means for locking (see FIG. 1 (16), (20)) the first and second cam lobes to the shaft (see FIG. 1 (16), 920)); and wherein the first and second cam lobes are selectively rotatable relative to one another and selectively locked (see FIG. 8, col. 4, lns. 32-68, col. 5, lns. 1-200 in place relative to one another, whereby a displacement angle between the cam lobes can be selectively adjusted (see col. 5, lns. 21-24); a drive/timing gear (see FIG. 1 (32)) assembly comprising a gear and hub (see FIG. 1 (32), (86)) carried by the shaft and associated with the first and second cam lobes; indicia (see FIG. 2) associated with each of the first and second cam lobes for determining the displacement angle of the cam lobes;

the locking means comprises a locking nut (see FIG. 1 (20)) threadedly received onto the shaft; the shaft includes an externally threaded (see FIG. 1 (90) portion for receiving the locking nut, and a shoulder on an opposite end thereof, whereby as the locking nut is tightened onto the shaft, the shoulder compresses the first and second cam lobes (see FIG. 1 (16), (18)) against a drive/gear assembly so as to lock the first and second cam lobes relative to one another; a pin (see FIG. 1 (20)) insertable through a drive/gear assembly and into either the first or second cam lobe (see FIG. 1 (18)) for setting the position of the first or second cam lobe relative to the drive/gear assembly; an inner shaft (see FIG. 1 (14)) extending through the elongated shaft (see FIG. 1 (12)) for attachment to an engine block.

The Office Action admits that Methley fails to disclose intake and exhaust lobes associated with intake and exhaust valves.

The Office Action states that Rado et al., teaches that it is conventional in the art to utilize either the first or second cam lobe comprises an intake cam lobe (see FIG. 3 (40)) associated with an intake valve of an engine, and the other cam lobe comprises an exhaust lobe (see FIG. 3 (38)) associated with an exhaust valve (see FIG. 1 (30)) of an engine.

The Office Action makes the unsupported conclusory statement that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the intake and exhaust lobes and valves taught by Rado et al., in the Methley et al., device since it would allegedly improve engine power.

In response, Applicant respectfully submits that since Methley et al. fails to disclose Claim 1-15 for the reasons outlined above, as well as claims 16-20 for the reasons also outlined above, claims 21-27 are therefore also allowable. Applicants contend that the modification of Methley in view of Rado is improper and respectfully requests reconsideration and withdrawal of the rejection to claims 21-27 under 35 U.S.C. § 103(a).

CONCLUSION

Applicant believes that the foregoing arguments distinguish the claims of the present invention from the prior art references. Accordingly, Applicant believes that all pending claims 1-27 are in condition for allowance, notice of which is hereby respectfully requested.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

Scott W. Kelley
Registration No. 30,762

SWK/maf
Attachments

6320 Canoga Avenue, Suite 1650
Woodland Hills, California 91367
(818) 347-7900